

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GORDON COMPANIES, INC.

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,
et al.,

Defendants.

DECISION AND ORDER
14-CV-868-A

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 2, 2016, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 52), recommending that defendants' second motion to dismiss the Second Amended Complaint (Dkt. No. 42) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections to the Report and Recommendation having been timely filed, it is hereby

ORDERED, pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, that defendants' second motion to dismiss is denied; and it is

ORDERED that the action remains committed to Magistrate Judge McCarthy for the conduct of pretrial proceedings pursuant to the November 25, 2014 Text

Order Referring Case. Dkt. No. 8.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 27, 2016